

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 191, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, line 15, after "3." insert "(a)".
- 2 Page 1, line 15, after "chapter," insert "the superintendent shall
- 3 give notice to the student and the student's parent of their right to
- 4 appear at a meeting with the superintendent. Notice of the right to
- 5 appear at a meeting must:
- 6 (1) be made by certified mail or by personal delivery;
- 7 (2) contain the reasons for the meeting; and
- 8 (3) contain the procedure for requesting a meeting.
- 9 (b) The superintendent:
- 10 (1) shall make a written summary of the discussion conducted
- 11 and the evidence presented at the meeting;
- 12 (2) may take action under section 4 of this chapter; and
- 13 (3) must give notice of the action taken under subdivision (2)
- 14 to the student and the student's parent.
- 15 (c) If the student or the student's parent, not later than ten (10)
- 16 days after receipt of a notice of action taken under subsection (b),
- 17 makes a written appeal to the governing body, the governing body:
- 18 (1) shall hold a meeting to consider:
- 19 (A) the written summary of discussion and evidence
- 20 prepared under subsection (b)(1); and
- 21 (B) the arguments of the principal and the student or the

1 **student's parent;**
 2 **unless the governing body has voted under subsection (e) not**
 3 **to hear appeals of actions taken under subsection (b); and**
 4 **(2) may take action that the governing body finds appropriate.**
 5 **The decision of the governing body may be appealed only under**
 6 **IC 20-33-8-21.**

7 **(d) A student or a student's parent who fails to request and**
 8 **appear at a meeting after receipt of notice of the right to appear at**
 9 **a meeting forfeits all rights administratively to contest and appeal**
 10 **the expulsion. For purposes of this section, notice of the right to**
 11 **appear at a meeting or notice of the action taken at a meeting is**
 12 **effectively given at the time when the request or notice is delivered**
 13 **personally or sent by certified mail to a student and the student's**
 14 **parent.**

15 **(e) The governing body may vote to not hear appeals of actions**
 16 **taken under subsection (b). If the governing body votes to not hear**
 17 **appeals, subsequent to the date on which the vote is taken, a**
 18 **student or parent may appeal only under IC 20-33-8-21.**

19 **Sec. 4. After giving notice and conducting a meeting under**
 20 **section 3 of this chapter if a meeting is requested,".**

21 Page 2, line 8, delete "nonpublic" and insert "**charter**".

22 Page 2, line 10, delete "4." and insert "**5.**".

23 Page 2, line 11, delete "in:" and insert "**in**".

24 Page 2, line 12, delete "(1)".

25 Page 2, line 12, delete "corporation;" and insert "**corporation,**".

26 Page 2, delete lines 13 through 14.

27 Page 2, run in lines 11 through 15.

28 Page 2, between lines 18 and 19, begin a new paragraph and insert:

29 **"Sec. 6. Except as provided in IC 20-35-8, the school corporation**
 30 **in which the student has legal settlement and the school**
 31 **corporation in which a school is located that may successfully teach**
 32 **the student are not responsible for providing transportation to the**
 33 **student."**

34 Page 2, line 19, delete "5." and insert "**7.**".

35 Page 2, after line 21, begin a new paragraph and insert:

36 "SECTION 2. IC 20-33-8-21, AS ADDED BY P.L.1-2005,
 37 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2009]: Sec. 21. Judicial review of a governing body's action
 39 under this chapter **and IC 20-26-17-3** by the circuit or superior court
 40 of the county in which a student who is the subject of the governing
 41 body's action resides is limited to the issue of whether the governing
 42 body acted without following the procedure required under this

1 chapter."

(Reference is to SB 191 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 7, Nays 3.

Senator Lubbers, Chairperson